

1. WHAT HAPPENS AFTER I MAIL MY CHARGE BACK TO THE MAINE HUMAN RIGHTS COMMISSION?

When the Commission receives your signed charge of discrimination a case number is assigned and the Respondent is provided with a copy of the charge and a document request. You will be sent a copy of the letters. The Respondent generally has six weeks to respond to your allegations.

2. WILL I BE ABLE TO SEE THE RESPONSE TO THE DOCUMENT REQUEST THE RESPONDENT SUBMITS?

Yes. In most cases, the response will be sent to you when it is received by the Commission. You will be asked to review it and provide any information which would tend to show that the reason(s) given by the Respondent for its action is not accurate, or does not respond to your allegation of discrimination.

3. WHAT HAPPENS AFTER THAT? HOW WILL AN INVESTIGATION BE CONDUCTED?

As soon as possible an Investigator will be assigned to your case. You will be notified who the Investigator is, and further communication should be made with that person. The Investigator will review your file and notify both parties as to how the investigation will proceed.

In some cases, a fact-finding conference will be held. They are not held in all cases. The Investigator will decide whether a fact-finding conference is necessary.

In other cases, the Investigator may decide to conduct an interview with you, either by phone or in person.

And, in some cases, the Investigator may determine that there is sufficient information in the file from both parties to complete the investigation.

4. IF THERE IS A FACT-FINDING CONFERENCE, WHAT HAPPENS?

A fact-finding conference is a meeting with the Investigator. You and the Respondent will be invited to this meeting. The fact-finding conference is a time to discuss facts of the case. The Investigator may also invite witnesses or other persons to attend. If there is anyone you feel should attend, please write or call the Investigator before the fact-finding conference.

The conference is not a formal hearing as would be held in court. The Investigator asks questions about the case. If you or the Respondent have a question that you would like answered, you may ask the Investigator to ask it. The fact-finding conference is not a public meeting. It is open only to those people the Investigator determines are necessary for the investigation.

Conferences are usually held at a neutral place. Sometimes, however, they are held at the Respondent's place of business, especially if you are working there or if the Investigator needs to talk to witnesses or see records. If you are concerned about the location, contact the Investigator.

5. WHAT IS THE ROLE OF THE INVESTIGATOR?

The Investigator does not represent you or the Respondent. The job of the Investigator is to look at all the information given by both sides in order to find out if there has been a violation of the Maine Human Rights Act.

6. SINCE THE INVESTIGATOR DOES NOT REPRESENT ME, MAY I HAVE AN ATTORNEY?

Whether or not to have an attorney is your decision. Either party may be represented by an attorney. If you are going to have a lawyer, please let the Commission know so that their name can be put into your file. The Commission maintains an

informational list of attorneys who have indicated an interest in representing parties who have cases pending with the Commission. It is available to all parties upon request.

7. IS INFORMATION OBTAINED DURING THE INVESTIGATION CONFIDENTIAL?

The information gathered during the investigation will be used by the Investigator to prepare a report. The complaint and information gathered remains confidential until the case is administratively dismissed or listed on a Commission Meeting agenda. The confidential information in the file will be shared with the parties during the pending investigation if they promise in writing not to make it public.

Information relating to settlement negotiations, settlement agreements, and data identifying persons who are not parties to the complaint, remains confidential at all times.

8. WHAT IS A SETTLEMENT?

Settlement occurs when the parties agree on ways to resolve the issues raised in the charge of discrimination, without a final decision by the Commission. The Commission strongly encourages both sides to settle a case informally before a decision is made as to whether or not discrimination has occurred. The Investigator will work with both sides to reach a settlement. Settlement allows you to create your own solution and can save you time and money. If a settlement is reached, the Commission will agree not to proceed with the case. Settlement discussions are confidential. The final agreement is put in writing and is also confidential. The Commission makes sure the terms of the Agreement are met, and does not formally close the case until all obligations have been met. If you choose, you may withdraw your charge if you and the Respondent agree to terms, but the Commission will not be able to enforce the terms of your agreement. Discuss possible settlement options in your case with the Investigator.

9. WHAT IF I DON'T SETTLE MY CASE?

There are several things that may happen. You can withdraw your charge if after reviewing the facts you no longer wish the Commission to continue to process your charge of discrimination. You sign a withdrawal form, and the case will be closed.

If settlement does not take place, or you decide not to withdraw your complaint, the Investigator will write a Report. The report contains a summary of the facts given by both sides. At the end of the report, the Investigator will make a recommendation to the Commission as to whether there are or are not reasonable grounds to believe that there was unlawful discrimination in your case. The Commissioners will then vote on your case at a scheduled Commission meeting which is open to the public.

10. HOW LONG DOES IT TAKE TO INVESTIGATE MY CHARGE OF DISCRIMINATION?

Cases are usually opened, the Respondent notified of your charge of discrimination, and information sent out within a month of the complaint being filed. The response to your charge is usually received about two months after that. If your case is settled, or if you decide to withdraw your charge, a case is completed relatively quickly. If, however, a case has to be scheduled for a full investigation, that will take longer. Each case is different. The average time to complete an investigation is 330 days. We will try to keep you informed about the progress of your complaint at each step of the process.

11. WHAT IS A RIGHT-TO-SUE LETTER?

If you want to file a civil action directly in Superior Court, and not have the Maine Human Rights Commission investigate your charge, and if your charge of discrimination has been filed with the Commission for 180 days or more, you may ask for a right-to-sue letter. The Commission will issue you the letter, and will immediately stop investigating your

charge of discrimination. We will administratively dismiss your charge upon your request for a right-to-sue letter.

12. CAN THE RESPONDENT TAKE ACTION AGAINST ME FOR FILING A COMPLAINT?

No. It is against the law for a Respondent to retaliate against you because you filed a charge of discrimination or because you helped in an investigation. You may file a charge of retaliation if you believe that the Respondent has taken such action against you.

13. IS THERE ANYTHING ELSE I SHOULD KNOW?

Yes. If you move or change your telephone number, you must let the Commission know. If your phone is disconnected, or if you do not have a phone, you must leave an address or number where you can be reached. Your complaint could be dismissed if the Commission can not get in touch with you.

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(Rev. 03/99)
Printed under approp. 01494H015002

AFTER A CHARGE OF DISCRIMINATION HAS BEEN FILED

This brochure is designed to answer some of the most frequently asked questions about the Maine Human Rights Commission's fact-finding process. It also describes what generally occurs after a charge of discrimination is filed with the Maine Human Rights Commission.

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